

☐ EXPEDITE
☐ No hearing is set.
☐ Hearing is set:

Date: _____

Time: _____

Judge/Calendar: _____

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THURSTON COUNTY

WASHINGTON FAMILIES STANDING
TOGETHER and ANNE LEVINSON,

Plaintiffs,

v.

SECRETARY OF STATE SAM REED, in
his official capacity, and PROTECT
MARRIAGE WASHINGTON,

Defendants.

No. 09-2-02145-4

DECLARATION OF
NICHOLAS P. GELLERT

IN SUPPORT OF PLAINTIFFS' REPLY
AND RESPONSE TO SECRETARY'S
MOTION TO DISMISS

I, Nicholas P. Gellert, declare:

1. I am an attorney with Perkins Coie LLP, and counsel for plaintiffs in the above-captioned matter. I have personal knowledge of the facts set forth in this declaration and am competent to testify thereto.

2. Attached as Exhibit A is a true and correct copy of a February 9, 2006, publication of Secretary of State Sam Reed, which our office received by email from Assistant Attorney General Jeff Even on Monday, September 7, 2009.

3. Attached as Exhibit B is a true and correct copy of the text of SB 5182, from the 2007-2008 session of the Washington Legislature, which I printed from the website of

DECLARATION OF NICHOLAS P. GELLERT

- 1

1 the Washington Legislature, at the following url:

2
3 <http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/Senate%20Bills/5182.pdf>

4
5 4. Attached as Exhibit C is a true and correct copy of the Senate Bill Report for
6
7 SB 5182, which I printed from the website of the Washington Legislature, at the following
8
9 url: <http://apps.leg.wa.gov/documents/billdocs/2007->

10
11 [08/Pdf/Bill%20Reports/Senate/5182.SBR.pdf](http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bill%20Reports/Senate/5182.SBR.pdf)

12
13 5. The testimony before the Senate Committee on Government & Elections in
14
15 support of SB 5182, as summarized in the Senate Bill Report (Exhibit C hereto), is available
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17 on videotape on the website of Television Washington (TVW) at the following url:

18
19 [http://mail.tvw.org/media/mediaplayer.cfm?evid=2007010196&TYPE=V&CFID=572140&](http://mail.tvw.org/media/mediaplayer.cfm?evid=2007010196&TYPE=V&CFID=572140&CFTOKEN=44623097&bhcp=1)
20
21 [CFTOKEN=44623097&bhcp=1](http://mail.tvw.org/media/mediaplayer.cfm?evid=2007010196&TYPE=V&CFID=572140&CFTOKEN=44623097&bhcp=1)

22
23 6. Attached as Exhibit D is a true and correct copy of an unofficial transcription
24
25 of the testimony of Senator Kastama, Shane Hamlin and Katie Blinn on this videotape,
26
27 which I had a word processor hired by my law firm prepare on September 6, 2009, from the
28
29 videotape discussed in the above paragraph of this declaration.

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31 7. Attached as Exhibit E is a true and correct copy of an email that Assistant
32
33 Attorney General Jeff Even sent to our law firm at 1:50 p.m. on Monday, September 7,
34
35 2009, and a follow up email from Mr. Even that we received this morning.

36
37 8. Attached as Exhibit F is a true and correct copy of page four of the
38
39 Memorandum in Opposition to Plaintiffs' Motion for Temporary Restraining Order, filed by
40
41 Protect Marriage Washington, as intervener, in *Washington Families Standing Together v.*
42
43 *Secretary of State*, King County Cause No. 09-2-31908-1 SEA.

44
45 9. Attached as Exhibit G is a true and correct copy of some news articles and
46
47 blog entries that we printed from the internet about signature-gatherer misconduct.

DECLARATION OF NICHOLAS P. GELLERT

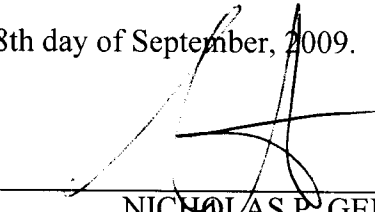
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71718-0001/LEGAL16903636.1

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 **I declare under penalty of perjury under the laws of the**
2 **State of Washington that the foregoing is true and correct.**
3

4 SIGNED at Seattle, Washington, this 8th day of September, 2009.
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11 _____
12 NICHOLAS P. GELLERT
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DECLARATION OF NICHOLAS P. GELLERT

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71718-0001/LEGAL16903636.1

Perkins Coie LLP
1201 Third Avenue, Suite 4800
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EXHIBIT A



Washington
Secretary of State
SAM REED

520 Union Avenue
PO Box 40229
Olympia, WA 98504-0229
Tel: 360.902.4180
Fax 360.664.4619
www.secstate.wa.gov

February 9, 2006

A change in the law regarding signature gathering took effect January 1, 2006. During the 2005 legislative session, the Washington State Legislature passed EHB 1222 (Chapter 239, Laws of 2005). The bill amended the three statutes that govern signature petitions for:

Initiatives to the Legislature – RCW 29A.72.110
Initiatives to the People – RCW 29A.72.120
Referendum Measures – RCW 29A.72.130

The bill requires these petitions to have the following declaration printed on the reverse side of each petition sheet:

I,, swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

It is the interpretation of the Office of the Secretary of State that this declaration must not only be printed on the back side of petition sheet, but must also be signed by the signature gatherer, and the signature gatherer's name must be printed in the appropriate location. To interpret the law as not requiring the oath to be completed would render the new law meaningless. It is also the interpretation of the Office of the Secretary of State that lack of a signature on the declaration will cause the petition sheet to be rejected pursuant to RCW 29A.72.170(1).

A copy of the new legislation is attached. Questions may be directed to Tina Clarke at (360) 725-5780.

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1222

Chapter 239, Laws of 2005

59th Legislature
2005 Regular Session

BALLOT MEASURE PETITIONS

EFFECTIVE DATE: 1/01/06

Passed by the House April 20, 2005
Yeas 85 Nays 10

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 14, 2005
Yeas 32 Nays 13

BRAD OWEN

President of the Senate

Approved May 3, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1222** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 3, 2005 - 3:41 p.m.

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1222

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington

59th Legislature

2005 Regular Session

By Representatives McDermott, Nixon, Ericks, Buri, Simpson, Shabro, Williams, Dickerson, Sells, Ormsby and Haigh

Read first time 01/18/2005. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to ballot measure petitions; amending RCW
2 29A.72.110, 29A.72.120, and 29A.72.130; and providing an effective
3 date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 29A.72.110 and 2003 c 111 s 1812 are each amended to
6 read as follows:

7 Petitions for proposing measures for submission to the legislature
8 at its next regular session must be substantially in the following
9 form:

10 The warning prescribed by RCW 29A.72.140; followed by:

11 INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

12 To the Honorable, Secretary of State of the State of
13 Washington:

14 We, the undersigned citizens and legal voters of the State of
15 Washington, respectfully direct that this petition and the proposed
16 measure known as Initiative Measure No. and entitled (here set
17 forth the established ballot title of the measure), a full, true, and
18 correct copy of which is printed on the reverse side of this petition,

1 be transmitted to the legislature of the State of Washington at its
2 next ensuing regular session, and we respectfully petition the
3 legislature to enact said proposed measure into law; and each of us for
4 himself or herself says: I have personally signed this petition; I am
5 a legal voter of the State of Washington in the city (or town) and
6 county written after my name, my residence address is correctly stated,
7 and I have knowingly signed this petition only once.

8 The following declaration must be printed on the reverse side of
9 the petition:

10 I,, swear or affirm under penalty of law
11 that I circulated this sheet of the foregoing petition, and that, to
12 the best of my knowledge, every person who signed this sheet of the
13 foregoing petition knowingly and without any compensation or promise of
14 compensation willingly signed his or her true name and that the
15 information provided therewith is true and correct. I further
16 acknowledge that under chapter 29A.84 RCW, forgery of signatures on
17 this petition constitutes a class C felony, and that offering any
18 consideration or gratuity to any person to induce them to sign a
19 petition is a gross misdemeanor, such violations being punishable by
20 fine or imprisonment or both.

21 RCW 9A.46.020 applies to any conduct constituting harassment
22 against a petition signature gatherer. This penalty does not preclude
23 the victim from seeking any other remedy otherwise available under law.

24 The petition must include a place for each petitioner to sign and
25 print his or her name, and the address, city, and county at which he or
26 she is registered to vote.

27 **Sec. 2.** RCW 29A.72.120 and 2003 c 111 s 1813 are each amended to
28 read as follows:

29 Petitions for proposing measures for submission to the people for
30 their approval or rejection at the next ensuing general election must
31 be substantially in the following form:

32 The warning prescribed by RCW 29A.72.140; followed by:

33 INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

34 To the Honorable, Secretary of State of the State of
35 Washington:

1 We, the undersigned citizens and legal voters of the State of
2 Washington, respectfully direct that the proposed measure known as
3 Initiative Measure No., entitled (here insert the established
4 ballot title of the measure), a full, true and correct copy of which is
5 printed on the reverse side of this petition, be submitted to the legal
6 voters of the State of Washington for their approval or rejection at
7 the general election to be held on the day of November,
8 (year); and each of us for himself or herself says: I have personally
9 signed this petition; I am a legal voter of the State of Washington, in
10 the city (or town) and county written after my name, my residence
11 address is correctly stated, and I have knowingly signed this petition
12 only once.

13 The following declaration must be printed on the reverse side of
14 the petition:

15 I,, swear or affirm under penalty of law
16 that I circulated this sheet of the foregoing petition, and that, to
17 the best of my knowledge, every person who signed this sheet of the
18 foregoing petition knowingly and without any compensation or promise of
19 compensation willingly signed his or her true name and that the
20 information provided therewith is true and correct. I further
21 acknowledge that under chapter 29A.84 RCW, forgery of signatures on
22 this petition constitutes a class C felony, and that offering any
23 consideration or gratuity to any person to induce them to sign a
24 petition is a gross misdemeanor, such violations being punishable by
25 fine or imprisonment or both.

26 RCW 9A.46.020 applies to any conduct constituting harassment
27 against a petition signature gatherer. This penalty does not preclude
28 the victim from seeking any other remedy otherwise available under law.

29 The petition must include a place for each petitioner to sign and
30 print his or her name, and the address, city, and county at which he or
31 she is registered to vote.

32 **Sec. 3.** RCW 29A.72.130 and 2003 c 111 s 1814 are each amended to
33 read as follows:

34 Petitions ordering that acts or parts of acts passed by the
35 legislature be referred to the people at the next ensuing general
36 election, or special election ordered by the legislature, must be
37 substantially in the following form:

1 The warning prescribed by RCW 29A.72.140; followed by:

2 PETITION FOR REFERENDUM

3 To the Honorable, Secretary of State of the State of
4 Washington:

5 We, the undersigned citizens and legal voters of the State of
6 Washington, respectfully order and direct that Referendum Measure No.
7, filed to revoke a (or part or parts of a) bill that (concise
8 statement required by RCW ((~~29A.36.070~~)) 29A.36.071) and that was
9 passed by the legislature of the State of Washington at the
10 last regular (special) session of said legislature, shall be referred
11 to the people of the state for their approval or rejection at the
12 regular (special) election to be held on the day of November,
13 (year); and each of us for himself or herself says: I have personally
14 signed this petition; I am a legal voter of the State of Washington, in
15 the city (or town) and county written after my name, my residence
16 address is correctly stated, and I have knowingly signed this petition
17 only once.

18 The following declaration must be printed on the reverse side of
19 the petition:

20 I,, swear or affirm under penalty of law
21 that I circulated this sheet of the foregoing petition, and that, to
22 the best of my knowledge, every person who signed this sheet of the
23 foregoing petition knowingly and without any compensation or promise of
24 compensation willingly signed his or her true name and that the
25 information provided therewith is true and correct. I further
26 acknowledge that under chapter 29A.84 RCW, forgery of signatures on
27 this petition constitutes a class C felony, and that offering any
28 consideration or gratuity to any person to induce them to sign a
29 petition is a gross misdemeanor, such violations being punishable by
30 fine or imprisonment or both.

31 RCW 9A.46.020 applies to any conduct constituting harassment
32 against a petition signature gatherer. This penalty does not preclude
33 the victim from seeking any other remedy otherwise available under law.

34 The petition must include a place for each petitioner to sign and
35 print his or her name, and the address, city, and county at which he or

1 she is registered to vote.

2 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2006.

Passed by the House April 20, 2005.

Passed by the Senate April 14, 2005.

Approved by the Governor May 3, 2005.

Filed in Office of Secretary of State May 3, 2005.

EXHIBIT B

SENATE BILL 5182

State of Washington

60th Legislature

2007 Regular Session

By Senators Kastama, Shin, Tom, Marr, Keiser, Oemig, Rockefeller,
Kohl-Welles, Brown, Spanel, Murray, Kline, Regala and Jacobsen

Read first time 01/12/2007. Referred to Committee on Government
Operations & Elections.

1 AN ACT Relating to requiring signature gatherers to sign each
2 initiative or referendum petition they circulate for signatures; and
3 amending RCW 29A.72.110, 29A.72.120, and 29A.72.130.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 29A.72.110 and 2005 c 239 s 1 are each amended to read
6 as follows:

7 (1) Petitions for proposing measures for submission to the
8 legislature at its next regular session must be substantially in the
9 following form:

10 (a) The warning prescribed by RCW 29A.72.140; followed by:

11 INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

12 To the Honorable, Secretary of State of the State of
13 Washington:

14 We, the undersigned citizens and legal voters of the State of
15 Washington, respectfully direct that this petition and the proposed
16 measure known as Initiative Measure No. and entitled (here set
17 forth the established ballot title of the measure), a full, true, and
18 correct copy of which is printed on the reverse side of this petition,

1 be transmitted to the legislature of the State of Washington at its
2 next ensuing regular session, and we respectfully petition the
3 legislature to enact said proposed measure into law; and each of us for
4 himself or herself says: I have personally signed this petition; I am
5 a legal voter of the State of Washington in the city (or town) and
6 county written after my name, my residence address is correctly stated,
7 and I have knowingly signed this petition only once.

8 (b) The petition must include a place for each petitioner to sign
9 and print his or her name, and the address, city, and county at which
10 he or she is registered to vote.

11 (2) The following declaration must be printed on the reverse side
12 of the petition:

13 I,, swear or affirm under penalty of law
14 that I circulated this sheet of the foregoing petition, and that, to
15 the best of my knowledge, every person who signed this sheet of the
16 foregoing petition knowingly and without any compensation or promise of
17 compensation willingly signed his or her true name and that the
18 information provided therewith is true and correct. I further
19 acknowledge that under chapter 29A.84 RCW, forgery of signatures on
20 this petition constitutes a class C felony, and that offering any
21 consideration or gratuity to any person to induce them to sign a
22 petition is a gross misdemeanor, such violations being punishable by
23 fine or imprisonment or both.

24 Signature

25 Print Name

26 Print Street Address

27 Print City, State, Zip Code

28 (3) Petition signature gatherers must complete the declaration
29 under subsection (2) of this section. If a signature gatherer fails to
30 complete the declaration, the secretary of state must refuse to file
31 the petition under RCW 29A.72.170.

32 (4) RCW 9A.46.020 applies to any conduct constituting harassment
33 against a petition signature gatherer. This penalty does not preclude
34 the victim from seeking any other remedy otherwise available under law.

35 ~~((The petition must include a place for each petitioner to sign and~~

1 ~~print his or her name, and the address, city, and county at which he or~~
2 ~~she is registered to vote.))~~

3 **Sec. 2.** RCW 29A.72.120 and 2005 c 239 s 2 are each amended to read
4 as follows:

5 (1) Petitions for proposing measures for submission to the people
6 for their approval or rejection at the next ensuing general election
7 must be substantially in the following form:

8 (a) The warning prescribed by RCW 29A.72.140; followed by:

9 INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

10 To the Honorable, Secretary of State of the State of
11 Washington:

12 We, the undersigned citizens and legal voters of the State of
13 Washington, respectfully direct that the proposed measure known as
14 Initiative Measure No., entitled (here insert the established
15 ballot title of the measure), a full, true and correct copy of which is
16 printed on the reverse side of this petition, be submitted to the legal
17 voters of the State of Washington for their approval or rejection at
18 the general election to be held on the day of November,
19 (year); and each of us for himself or herself says: I have personally
20 signed this petition; I am a legal voter of the State of Washington, in
21 the city (or town) and county written after my name, my residence
22 address is correctly stated, and I have knowingly signed this petition
23 only once.

24 (b) The petition must include a place for each petitioner to sign
25 and print his or her name, and the address, city, and county at which
26 he or she is registered to vote.

27 (2) The following declaration must be printed on the reverse side
28 of the petition:

29 I,, swear or affirm under penalty of law
30 that I circulated this sheet of the foregoing petition, and that, to
31 the best of my knowledge, every person who signed this sheet of the
32 foregoing petition knowingly and without any compensation or promise of
33 compensation willingly signed his or her true name and that the
34 information provided therewith is true and correct. I further
35 acknowledge that under chapter 29A.84 RCW, forgery of signatures on
36 this petition constitutes a class C felony, and that offering any

consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

Signature

Print Name

Print Street Address

Print City, State, Zip Code

(3) Petition signature gatherers must complete the declaration under subsection (2) of this section. If a signature gatherer fails to complete the declaration, the secretary of state must refuse to file the petition under RCW 29A.72.170.

(4) RCW 9A.46.020 applies to any conduct constituting harassment against a petition signature gatherer. This penalty does not preclude the victim from seeking any other remedy otherwise available under law.

~~((The petition must include a place for each petitioner to sign and print his or her name, and the address, city, and county at which he or she is registered to vote.))~~

Sec. 3. RCW 29A.72.130 and 2005 c 239 s 3 are each amended to read as follows:

(1) Petitions ordering that acts or parts of acts passed by the legislature be referred to the people at the next ensuing general election, or special election ordered by the legislature, must be substantially in the following form:

(a) The warning prescribed by RCW 29A.72.140; followed by:

PETITION FOR REFERENDUM

To the Honorable, Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully order and direct that Referendum Measure No., filed to revoke a (or part or parts of a) bill that (concise statement required by RCW 29A.36.071) and that was passed by the legislature of the State of Washington at the last regular (special) session of said legislature, shall be referred to the people of the state for their approval or rejection at the regular (special)

1 election to be held on the day of November, (year); and each of
2 us for himself or herself says: I have personally signed this
3 petition; I am a legal voter of the State of Washington, in the city
4 (or town) and county written after my name, my residence address is
5 correctly stated, and I have knowingly signed this petition only once.

6 (b) The petition must include a place for each petitioner to sign
7 and print his or her name, and the address, city, and county at which
8 he or she is registered to vote.

9 (2) The following declaration must be printed on the reverse side
10 of the petition:

11 I,, swear or affirm under penalty of law
12 that I circulated this sheet of the foregoing petition, and that, to
13 the best of my knowledge, every person who signed this sheet of the
14 foregoing petition knowingly and without any compensation or promise of
15 compensation willingly signed his or her true name and that the
16 information provided therewith is true and correct. I further
17 acknowledge that under chapter 29A.84 RCW, forgery of signatures on
18 this petition constitutes a class C felony, and that offering any
19 consideration or gratuity to any person to induce them to sign a
20 petition is a gross misdemeanor, such violations being punishable by
21 fine or imprisonment or both.

22 Signature
23 Print Name
24 Print Street Address
25 Print City, State, Zip Code

26 (3) Petition signature gatherers must complete the declaration
27 under subsection (2) of this section. If a signature gatherer fails to
28 complete the declaration, the secretary of state must refuse to file
29 the petition under RCW 29A.72.170.

30 (4) RCW 9A.46.020 applies to any conduct constituting harassment
31 against a petition signature gatherer. This penalty does not preclude
32 the victim from seeking any other remedy otherwise available under law.

33 ~~((The petition must include a place for each petitioner to sign and~~
34 ~~print his or her name, and the address, city, and county at which he or~~

1 ~~she is registered to vote.)~~)

--- END ---

EXHIBIT C

SENATE BILL REPORT

SB 5182

As Reported By Senate Committee On:
Government Operations & Elections, February 6, 2007

Title: An act relating to requiring signature gatherers to sign each initiative or referendum petition they circulate for signatures.

Brief Description: Requiring signature gatherers to sign initiative and referendum petitions.

Sponsors: Senators Kastama, Shin, Tom, Marr, Keiser, Oemig, Rockefeller, Kohl-Welles, Brown, Spanel, Murray, Kline, Regala and Jacobsen.

Brief History:

Committee Activity: Government Operations & Elections: 1/30/07, 2/6/07 [DP, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore.

Minority Report: Do not pass.

Signed by Senators Roach, Ranking Minority Member and Swecker.

Staff: Mac Nicholson (786-7445)

Background: In 2005, the Legislature required a declaration to be printed on the reverse side of initiative and referendum petitions affirming that the individual circulated the particular petition sheet and that to the best of that individual's knowledge, the people who signed the sheet did so knowingly and without compensation or promise of compensation. The declaration also contained a statement that the individual circulating the petition acknowledges that forgery of signatures is a felony and that offering any consideration to any person to sign is a gross misdemeanor.

In a 2006 opinion, the Attorney General interpreted the legislation and found that there was no intent to require that the petition circulator fill in a name or sign the statement, rather the intent of the declaration was an additional warning about the consequences of false signatures.

Summary of Bill: Signature, name, and address lines are added to the declaration printed on the reverse side of initiative and referendum petitions. Petition signature gatherers must complete the declaration. If a signature gatherer fails to complete the declaration, the Secretary of State must refuse to file the petition.

Appropriation: None.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is just a clean up of a bill passed last year. The bill clarifies the intent that the person circulating the petition would have to sign the declaration. This bill will help hold people accountable for fraud. There needs to be a way to find out who circulated the petition, otherwise there will never be a way to track fraud.

CON: Signature gatherers take a lot of abuse. There are internet sites that report the location of petitioning. Requiring disclosure of addresses on petition sheets will chill free speech. The residence location on a public document can be accessed once the petition is filed, and this makes it easier to find the circulators. There is a need to protect the privacy of circulators. This bill will effectively destroy the volunteer process. Its unclear who the circulator is in cases where volunteers are collecting signatures.

Persons Testifying: PRO: Senator Kastama, prime sponsor; Shane Hamlin and Katie Blinn, Office of the Secretary of State.

CON: Edward Agazaram and Roy Ruffino, Citizen Solutions.

EXHIBIT D

Approximately 1:37:28 on video

Kastama: Thank you Madam Chair, for the record, Senator Kastama from the 25th District. Again, this is the clean up of last year's piece of legislation. It was clearly intended when it passed the Legislature that a person would have to sign this, in fact adhering to the guidelines that were in the back section of the initiative or referendum. So this is merely a clean up piece of legislation to clarify what was intended last year. With that Madam Chair, I would just like to say this on the prior piece of legislation, Senate Bill 5181. The intent of the bill is clearly, and it does state, that a person only says whether they are a volunteer or whether they are a paid volunteer or a paid signature gatherer, not their name, etc., would not be included in that. I know that Editor Omeg asked if that would be something in addition, but I think that the bill as written is very clear about just paid or whether they are a volunteer, and I think it should remain in that...

Chair: In other words the past, the bill that we heard before, it would say only volunteer or paid signature...

Kastama: That's right, and that's what it does say actually. It does not say their name. So I know there was a Constitutional issue which, that was brought up before. I hope that that in fact would alleviate that concern with the bill the way it is currently written.

Chair: Okay, thank you. Any questions for the Senator? Thank you very much for staying Senator Kastama.

* * *

Approximately 1:45:48 on video

Hamlin: Good afternoon Madam Chair, members of the committee. This is Shane Hamlin with the Secretary of State's Office again. And we're here today...

Chair: Can you speak up Shane?

Hamlin: ...we're here today to testify in favor of this bill. And we, if you've noticed, we've only testified in favor of two bills today and both of them have to do with what we think is the issue of incentives for fraud and how to track down fraud if we think it does occur and hold somebody accountable for it. And that's why we're in support of this bill. Because if you don't have a way to find out who circulated the petition and you don't know who they are or where they are, then you can't get to a point where you have evidence of fraud and you can't get to a point where you can prosecute somebody for committing the crime. So we are supporting this bill, it is a clarification or additional language to legislation passed last year or two years ago. And I might make a point that the information on the back of this petition, the entire petition is public, including the information from the people who are signing it, their signature, their address and so forth. And as Senator Fairly pointed out, so there's quite a bit of data in the voter registration

database which is posted on at least one blog and is available from our office on a CD every month. So there's, a lot of this information is already public, and if somebody wanted to find you they'd figure out a way to find you. So...

Chair: My point, yes. Senator Swecker?

Swecker: Thank you Madam Chair. I'm curious about, you've indicated that the information on the petition is available through public access. I'm curious how that's accessed. Is it in an electronic...

Blinn: Sure.

Schweker: ...database or is it, would it have to be a physical examination of the petitioning?

Blinn: Katie Blinn, Assistant Director of Elections from the Secretary of State's Office. Right now the petition sheets become public documents once we are finished with the signature checking process. So once we do not need them for the signature checking process any more and it's been determined that the ballot measures, are either going to make it to the ballot or not, then they are public records. And so for example, all of the documents for 1917 were provided to some organizations who made a public records request. We had previously imaged them. We had imaged them after they were submitted to our office before the signature check, so it was easier for that organization just to get the images, and that's what they preferred, and so that's what they got.

Chair: Thank you. That's good, thank you very much.

Blinn: And I have provided some information. This is both the letter that we sent out to the sponsors in February of '06 explaining how we intended to implement last year's, the legislation from two years ago. It was our understanding that the Legislature intended that the petition sheets be signed by the signature gatherers. The AGO opinion came out in May of '06 on, the other way and so in June of '06 we did inform the sponsors that we would be following the AGO. We take the approach that the legislation is primarily intended to provide a vehicle to the people down after the fact. So if there is a forgery problem, there is a way to track down who circulated that petition sheet. Otherwise the sponsors can just say well, we don't know, there, because remember that the sponsors are handing in about 15,000 pieces of paper. This is a tremendous volume. And so there's no way that the sponsors, I should say that it would be difficult for the sponsors to track it as well. And so our recommendation is to, actually ask for additional information, if your point is to track the people down, ask where was it circulated? When was it circulated? And additional contact information for these people.

And also there was a question earlier about should the person circulating the petition be a registered voter in that vicinity or in that jurisdiction? And that has already been struck down as unconstitutional; the requirement that the person be a registered voter.

Chair: Thank you very much. Senator Roach?

EXHIBIT E

Gellert, Nicholas (Perkins Coie)

From: Gellert, Nicholas (Perkins Coie)
Sent: Tuesday, September 08, 2009 7:35 AM
To: Gellert, Nicholas (Perkins Coie)
Subject: FW: Report In Progress

-----Original Message-----

From: Even, Jeff (ATG) <JeffE@ATG.WA.GOV>
To: Hamilton, Kevin J. (Perkins Coie); attorney@stephenpidgeon.com
<attorney@stephenpidgeon.com>
Sent: Tue Sep 08 07:03:48 2009
Subject: RE: Report In Progress

The news this morning is that the numbers reconciled. The Elections Division will produce a report this morning.

From: Hamilton, Kevin J. (Perkins Coie) [mailto:KHamilton@perkinscoie.com]
Sent: Monday, September 07, 2009 1:54 PM
To: Even, Jeff (ATG)
Subject: RE: Report In Progress

Thanks, Jeff. Appreciate the heads up. Please forward as soon as you can (together with the other information we requested).

Thanks

Kevin

Kevin J. Hamilton | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
206.359.8888 (main)
206.359.8741 (direct)
206.359.9741 (fax)
khamilton@perkinscoie.com

From: Even, Jeff (ATG) [mailto:JeffE@ATG.WA.GOV]
Sent: Monday, September 07, 2009 1:50 PM
To: Hamilton, Kevin J. (Perkins Coie); attorney@stephenpidgeon.com
Subject: Report In Progress

Counsel, I think it's fair to let both of you know to expect some additional information from the Secretary of State tomorrow morning. Mr. Hamilton requested a list of voters whose signatures were accepted, and in working on that list the Elections Division has discovered the need to reconcile the petition volumes against the data collected in the application. They are currently working on this, and should have a report on the results tomorrow morning. I don't know what the contents will be, but I understand that this will result in lowering slightly both the total number of signatures submitted and the total

number accepted. I'm not sure whether the number will be above or below 100, but it will not affect the outcome.

* * * * *

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EXHIBIT F

1 registered in Washington in sufficient numbers to cause an election to be held, and, if so, until after
2 the election. Wash. Const., art. II, § 1(c). During the 90-day period, proponents of the petition seek
3 signatures from Washington voters in a number sufficient to trigger a referendum election.

4 As an exercise of this public constitutional referendum process, the text of Referendum
5 Measure 71 was filed with the Office of the Secretary of State as proposed ballot measure on May 4,
6 2009. Referendum 71 asks voters to either accept or reject Engrossed Second Substitute Senate Bill
7 5688, passed by the 2009 Legislature, relating to the rights, responsibilities, and obligations
8 accorded state-registered same-sex and senior domestic partners.

9 On July 25, 2009, the proponents of Referendum 71 submitted over 9,359 signature petitions.
10 At least 50 petitions containing the signatures of 1,000 signers were rejected as untimely when they
11 were submitted at 5:05 p.m., and an additional group (as many as 3,000 signatures) were rejected
12 because the ballot text had been separated from the signature page by functionaries acting on behalf
13 of the PMW campaign.

14 As the law requires, the signature petitions are directed to the Secretary of State. As
15 provided in RCW 29A.72.130, signers “order and direct that Referendum Measure No. 71 . . . shall
16 be referred to the people of the state for their approval or rejection at the regular election to be held
17 on the 3rd day of November, 2009; and each of us for himself or herself says: I have personally
18 signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county
19 written after my name, my residence address is correctly state, and I have knowingly signed this
20 petition only once.” As provided in RCW 29A72.140, the signature petition also contains a warning
21 that: “Every person who signs this petition with any other than his or her true name, knowingly signs
22 more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any
23 false statement on this petition may be punished by a fine or imprisonment of both.”

24 This signature petitions were delivered in an open, public forum. Referendum supporters and
25 opponents were in attendance, as were several members of the news media. The petition sheets were

26 MEMORANDUM IN OPPOSITION TO PLAINTIFFS’ MOTION FOR A TEMPORARY
RESTRAINING ORDER - 4

STEPHEN W. PIDGEON
Attorney at Law, P.S.
3002 Colby Avenue, Suite 306
Everett, Washington 98201
(425)605-4774

EXHIBIT G



Chehalis woman says petitioner harrassed her outside store

Wednesday, July 22, 2009 2:40 PM PDT

By Eric Schwartz
The (Centralia) Chronicle

Chehalis resident Michelle Watson sat along Louisiana Avenue near the Twin City Town Center on Monday among friends, family and signs, all of which were beckoning passing motorists to embrace civility in the ongoing debate over the so-called "everything but marriage" act.

The demonstration, attended by about a dozen local women and their children, was a reaction to a run-in with a paid petition gatherer for Referendum 71, Watson said.

On Sunday, Watson and her 8-year-old daughter Allison were met near the entrance of Wal-Mart by a man asking for her signature on the petition aimed at putting the recently passed state legislation before voters, she said.

To secure a ballot spot, petitioners must turn in 120,577 valid voter signatures to the Secretary of State's office by Saturday. Watson wouldn't sign, but said the man refused to relent, pressing her for information and following her in the parking lot.

"I said 'don't spread that garbage,'" said Watson, who had a friend report this issue to police. "Apparently he didn't like the answer."

It wasn't the message that offended her, she says, but the tactics used to gain signatures. Allison said she was scared by the ordeal, and began to cry. She identified the man, who was again at the doors of Wal-Mart on Monday. Working with a group of girls who fed three Chihuahua puppies on a table covered in signed and unsigned petitions, he stopped customers coming in and out of the store.

He initially refused to comment when approached by The Chronicle, citing multiple unspecified reasons. The identification card hanging from his neck bore the name Dan Ricca, though he later said he would neither confirm nor deny that as his identify.

An Internet search engine revealed Ricca has been accused of multiple election and voter fraud schemes in Oregon and California in past years. He was among a group of 10 men and two women named in a 2006 release from the California Secretary of State for filing fraudulent voter registration cards in Orange County.

A five-month investigation linked Ricca and others to illegally filed petitions and the registering and re-registering of voters without their knowledge. A release stated that most of the frauds occurred in front of large retail establishments, specifically Wal-Mart and Target.

A 2006 investigative report by the Orange County Register alleged additional wrongdoing, citing interviews from fellow petition gatherers and associates. There is no evidence Ricca was ever convicted of a crime.

When approached with the information by The Chronicle, Ricca once again refused to comment.

"Let's say I know the person," he said, still wearing the Dan Ricca name tag. "There's a lot of false information and accusations about him out there."

A fellow petitioner who identified himself only as "Leonard" said he and Ricca were paid petitioners traveling the Interstate 5 corridor to gain signatures, though he wouldn't confirm his employer. He said that he and others were victims of harassment as well, from people who have stolen, destroyed and discarded their petitions.

As the deadline approaches, paid petition gatherers are not the only ones mobilizing in support of Referendum 71. Local religious leaders and clergy launched an effort in June to gain signatures throughout the community.

The "everything but marriage" act stipulates that same-sex couples, or any couple that includes one person age sixty-two or older, may register as a domestic partnership with the state. Registered domestic partnerships are not marriages, and marriage is prohibited except between one man and one woman. But the bill would extend to domestic partners and their families all rights, responsibilities and obligations granted by state law to married couples and their families.

Petition gatherers are allowed by state law to work on private property, even against the will of the owner in some cases, according to an analysis of the law by Washington Attorney General Rob McKenna in 2007. He cited numerous court cases that explain caveats in how and when petition writers are allowed to gather at shopping centers.

A call to the corporate office of Wal-Mart had not been returned as of press time.

Related article:

Same-sex rights battle may make it to the ballot

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Making children cry while gathering referendum 71 petitions

Yesterday I wrote about potential fraud and intimidation from referendum 71 petition gatherers, particularly by Dan Ricca a migrant paid signature gatherer. I wrote about election fraud in Orange County California and Oregon that Dan Ricca was closely involved with. It turns out that was not the end of the story. In Montanans for Justice vs the State of Montana, Ricca Petition Service (Dan Ricca's company at the time) was accused of falsifying documents and using "bait and switch" techniques to gather signatures. They allegedly told supporters they were signing petitions for one cause, but needed to sign several different pieces of paper because they needed "carbon copies". Consequently they signed petitions for issues they were not aware of and did not support. According to Not in Montana, Ricca Petition Services was paid over \$51,552.00 to gather signatures for three separate issues in Montana in 2006.

Because reports of fraud were so pervasive during Montana's 2006 initiative process, District Court Judge Sandefur invalidated every signature obtained by paid petition gatherers:

- (1) the 2006 signature gathering process under Title 13, Chapter, 27, MCA, for CI-97, CI-98, and I-154 is permeated by a pervasive and general pattern and practice of fraud and procedural non-compliance perpetrated by paid, out of state, migrant signature gatherers commissioned by Proponents;
- (2) all signatures gathered by out of state signature gatherers King, Schumacher, Cook, and Meyer, together with all signatures gathered by the 40 other out of state signature gatherers listed on Plaintiff's Exhibit 5, are hereby invalidated; and
- (3) as result of this invalidation, the Secretary of State's certified and final counts, referenced in Figure 1 are hereby invalidated; and
- (4) consequently, the Secretary of State's certifications of CI 97, CI-98, and I-154 pursuant to §§ 13-27-307, 13-27-308, 13-27-311, and 13-27-312, MCA, are hereby invalidated.

SO ORDERED this 13th day of September, 2006.

Ricca used the same "carbon copy" scam in Oregon in 2002. According to a voter alert issued by Northwest Labor Press:

In another incident in Salem, Heather Bowman, 17, was approached in January by a circulator named Daniel Ricca. Bowman says she wasn't interested in his initiative which, she recalls, had something to do with taxes. She reports that Ricca was so aggressive she finally relented and stopped. When he learned she was too young to be a registered voter,

Bowman says, the circulator handed her a voter registration card and told her he could turn it in for her because she would be 18 before the primary election in May. Then he had her sign his "tax measure" 20 different times. But she now suspects she signed 20 different initiative petitions or possibly duplicates of some petitions.

"He lied to me," says Bowman. "He told me that he needed carbon copies of all the petitions to send to supporters of the initiative. I didn't know any better at the time and now I don't know what I signed."

Dan Ricca is certainly not the only paid petition gatherer in Washington during these final days of the referendum 71 campaign. His colleagues are out there and many are using deceptive techniques. Reports have come in that people are being told by signing the referendum 71 petition they are signing a pro gay marriage petition, for example. Others are confronted by aggressive intimidation tactics.

I have two questions for you. 1) Why do we allow paid petition gatherers to collect signatures? 2) Would you trust any of these questionable characters with your personal information? It is too late to change the law for referendum 71, but Olympia should make changes during their next session to prevent this from happening in the future. At the very least, I hope this information reaches the right person before they sign referendum 71.

Despite the questionable techniques of paid petition gatherers, our opponents continue to claim the moral high ground. Today in [Gary Randell's](#) blog, he wrote:

Your efforts, in many cases, have been above and beyond what most would do. We know this is a spiritual matter, not a political one for those who are involved.

Apparently Gary thinks fraud and intimidation are holy. I wonder if Randell thinks God would approve of hiring petition gatherers that are so intimidating they bring children to tears as Ricca did to an 8 year old named Allison in [Lewis County on Sunday](#). I wonder...

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Orange County District Attorney *Media Advisory*

Tony Rackauckas, District Attorney
401 Civic Center Drive West
Santa Ana, CA 92701

For Immediate Release
October 30, 2006

Contact: Susan Kang Schroeder
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VOTER FRAUD CHARGES FILED AGAINST TWELVE PEOPLE FOR UNLAWFULLY REGISTERING UNSUSPECTING PEOPLE TO VOTE

***Arrest warrants have been issued after a 5-month joint investigation between the Orange County District Attorney and California Secretary of State**

SANTA ANA – Charges have been filed against ten men and two women for filing fraudulent California Voter Registration cards in Orange County. The California Secretary of State and the Orange County District Attorney conducted a 5-month joint investigation after receiving numerous complaints.

from citizens who were being registered and re-registered to vote without their knowledge. The following defendants were charged with the fraudulent completion of affidavit of registration: Daniel Bates, 36, Sal Castillo, 41, Christopher Dinoff, 31, Donahue Farrow, 34, Rick Floyd, 52, Jason Hayes, 41, Jason Holly, 36, Anthony Ogwo, 49, Daniel Ricca, 33, Jessica Sundell, 23, David Williams, 45, and Susan Williamsen, 34. The maximum penalty on the charge is up to three years in prison.

Voter Fraud

In 2005, the Orange County Republican Party contracted with several petition companies and campaign coordinators to register new Republicans in Orange County in order to expand their party voter base. The companies and coordinators recruited solicitors or circulators to register new Republicans. They were paid \$10 for each new voter form, as well as bonuses for gathering petition signatures on statewide ballot initiatives. This practice is called the "bounty program" and is commonly employed by political parties to gain new membership.

In most cases, the frauds occurred in front of grocery stores or large retail establishments, such as Wal-Mart or Target, or on the campuses of Fullerton College and Santa Ana College. The circulators are accused of soliciting shoppers and students to sign petitions, usually in support of stricter gun laws or lower taxes, and unwittingly obtaining a signature on a voter registration card. The victims would sign the petitions and a voter registration form, but would not fill out the information on the rest of the form. The defendants are accused of acquiring the victims' personal information, such as addresses and dates of birth, by checking their IDs and forging voter registration information in the victims' name without the victims' knowledge or consent.

The circulators are accused of then sending the forms to the Orange County Registrar of Voters, which processed the cards and sent notices to the new Republicans. When the victims received the notice, they complained to the Registrar of Voters.

Investigation

The Registrar of Voters provided the voters whose registration was switched with complaint forms and then sent the complaints and forged cards to the Secretary of State for investigation. The Secretary of State processed the forms and identified circulators, as the circulators had to put their own name on the forged cards in order to get paid. Their investigation ultimately revealed 12 defendants in Orange County who could be identified by multiple fraud victims.

The Orange County District Attorney's office conducted over 50 victim interviews to determine the circumstances of the fraud. Each victim showed the investigators what information they did and did not fill out on the registration forms and identified the defendants in pictures.

Arrest warrants were issued for twelve Orange County defendants and sev

arrests have been made. As many of the defendants are transients, law enforcement faces a challenge in finding them and serving the arrest warrant. Defendants Farrow, Hayes, Ogwo, Ricca, and Williams have not yet been located. These defendants are urged to turn themselves in.

Senior Deputy District Attorney Dan Hess of the Felony Projects Unit is prosecuting this case.

The Orange County District Attorney and Secretary of State are requesting that anyone with additional information about this case contact District Attorney Investigator Baden Gardner at (714) 347-8496. Anyone who believes they have been a victim of voter fraud can contact the Orange County Registrar Voters at (714) 567-7600.

Statement by the California Secretary of State

"As California's Chief Elections Officer, I have a zero tolerance policy for voter fraud. Our right to vote is one of our most precious rights that we hold dear as citizens, and I will continue to do everything in my power to ensure this right is protected and voter fraud is prevented," said Secretary of State Bruce McPherson. "It is wrong to falsify voter registration affidavits and mislead voters. I hope that this case causes others who are considering these criminal acts to think twice before acting."

Statement by the Orange County District Attorney

"This type of fraud can victimize people on different levels. It can interfere with the First Amendment and voting rights of the voters who had their registrations switched without their knowledge. The Republicans paid out money for phantom registrations that were of no benefit to them. The Democrats could have been deprived of the right to have voters participate as official party members," stated District Attorney Tony Rackauckas.

###

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Critics find massive forgery and fraud on Sizemore's I-18

The Voter Education Project (VEP) has found rampant forgery and fraud on petition sheets turned in to the secretary of state for Initiative 18 - the latest version of an anti-union paycheck deception measure that Bill Sizemore, executive director of Oregon Taxpayers United, has been pushing on Oregon voters for the past decade.

A hearing before the Marion County Circuit Court was set for Friday afternoon, July 19.~

The forgeries became evident after VEP researched petition sheets of four signature gatherers against whom it has filed election law violation complaints. As a result, 217 people have told VEP that their signature was forged on sheets carried by Francisco Holdman, Brian Miller, Daniel Ricca or Matt Gompers. So far, VEP has collected 62 notarized affidavits from those signers and more are pending.

Based on this evidence, the Voter Education Project and four people whose names were forged on I-18 filed a lawsuit July 1 in Marion County against the Oregon secretary of state. The Oregon AFL-CIO and Oregon Education Association are co-plaintiffs.

The suit calls for the signature sheets certified by these petitioners to be set aside and not included toward qualifying I-18 until Sizemore, the chief petitioner, can prove their validity. Some of the forgeries were such good simulations that they fooled the county clerks.

VEP compared the signatures sampled with those of people who said their names were forged. Out of four signatures checked, three had been marked as good by the counties.

"We are asking the secretary of state to make sure that no bad signatures are accepted and that the handiwork of forgers is not allowed to taint the initiative process," said Patty Wentz of Voter Education Project. "If this many questionable ballots were submitted, the Elections Division would investigate immediately. Secretary Bill

Search

Bradbury says that Oregonians should treat their signature like their vote. We agree and urge him to do the same."

The four aforementioned petitioners gathered a combined total of approximately 17,700 signatures on Initiative 18, which is nearly 16 percent of the total signatures turned in for the measure, and tens of thousands more for other initiatives sponsored by Sizemore and anti-tax activist Don McIntire, VEP said.

Following the July 5 filing deadline, the Voter Education Project mailed letters to more than 15,000 of those people asking for verification of the signature on I-18. The Post Office returned the vast majority as undeliverable.

"We have the extraordinary situation of four petitioners being under investigation while the sheets they carried are sitting in the secretary of state's office waiting to be used to qualify a ballot measure. It is unthinkable that these signatures would just be tossed into the mix and treated equally with those that were circulated honestly," said Wentz.

Earlier this circulating season, two other petitioners were convicted of forgery. The Elections Division notified chief petitioners that it is a felony.

This is the second time plaintiff Patricia Moreno's signature has shown up as a forgery on a petition sheet certified by Daniel Ricca.

In February 2002 the Voter Education Project filed a forgery complaint against Ricca with the secretary of state's office. At that time VEP submitted statements from Moreno and seven other people who said their signatures had been forged on petition sheets for Initiative 20.

VEP was forced into the court system after Bradbury, the Democratic nominee for U.S. senator, refused its request to set aside the alleged forged signatures for further examination.

Bradbury's failure to respond to documented forgeries on initiative petitions stands in stark contrast to how he and county elections officials respond to evidence of forgery on ballots.

"Our initiative petition process, just like our elections, is meant to determine the will of the voters," said Jeannie Berg, executive director of the Voter Education Project. "We don't let forged ballots determine the outcome of our elections, and we shouldn't let forged signatures determine whether we have enough support from voters to put a measure on the ballot."

If nothing else is done by the secretary of state, forged signatures could well determine the fate of Sizemore's initiatives and others now awaiting certification for the November ballot, whose margin for qualifying is likely to be razor thin.

"Not too long ago, Bill Bradbury was telling us to treat our signatures

like our votes," commented Oregon AFL-CIO President Tim Nesbitt. "That was good advice then, and it's good advice now. As our chief elections officer, the secretary of state should make sure that he does not allow the handiwork of forgers to influence our initiative process."~

The state labor federation is asking Oregon voters to contact Bradbury and urge him to practice what he preaches: "Treat our signatures like our votes. Be as careful with our signatures as you are with our ballots. Don't let the forgers hijack our initiative process."

Bradbury can be reached at 1-503-986-1523.

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Saturday, May 27, 2006

Premium on information

Unregulated petition workers, some with criminal records, also collect personal data.

By **KIMBERLY KINDY, TONY SAAVEDRA**
 and **BRIAN JOSEPH**

The Orange County Register

People registering to vote or signing petitions at Orange County shopping centers are entrusting their personal information to unregulated signature gatherers, some with rap sheets for child molestation, prostitution, methamphetamine use and immigrant smuggling, an Orange County Register investigation found.

Some of these workers also are suspected of falsifying voter registration cards, sparking a rare joint investigation by state law enforcement and election officials. Authorities announced the probe in April

after an investigation by the Register found that more than a hundred Orange County registrants were switched to the GOP without their consent.

Petition circulators work below the radar, sometimes raking in hundreds of dollars a day in paid bounties to provide the signatures to put a proposal on the ballot or bolster party registrations. The work is seasonal, bringing hundreds of circulators to the streets of California until they leave for petitions and registration drives in other states.

Many live like nomads, moving from motel to motel, following the cash in an industry in which signatures are the lifeblood of politics. And getting those signatures is often done with fast talk and street smarts.

"Half the (petitioners) are crack- or meth-heads. It's to get cash for their next fix," said Lynn Litheredge, a petition and voter registration circulator from Las Vegas who has worked on and off in Orange County for two years.

The Register researched the backgrounds of 45 signature gatherers operating in Orange County and found nine with criminal histories.

It is difficult to gauge exactly how many circulators work in the United States and how

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many have criminal records. No background checks or state registration are required for this work, allowing people with criminal pasts to ask for your home address, telephone number, birth date and driver's license.

And that scares Shannon Gomez, a 22-year-old woman with a small son and another child on the way.

Gomez said she was registered as a Republican without her consent by a worker for U.S. Petition Management – a Pomona firm that employs at least two former methamphetamine addicts, one whom was also a convicted prostitute.

"Does that bother me? Extremely," Gomez said. "I'm a young woman. The last thing I want is some weirdo having my information."

Former California Secretary of State Bill Jones said voters should be aware that, for the workers, the petition process has become more about making money than passing laws.

"The only motivation for doing this is financial," Jones said. "The only reason we have this is the initiative process has been turned into a cottage industry. It's been distorted."

Nearly three dozen of the questionable Orange County registrations are from Frank

Ricker, owner of U.S. Petition Management and four of his workers. Ricker was recently picked by the Orange County Republican Party to take over the registration drive from another consultant whose work is also under review.

Ricker said it's OK to hire ex-criminals to collect sensitive information, as long as they no longer break any laws.

"People pay their debt to society. (They) make mistakes, and they pay for their mistakes," he said. "I don't think I have any murderers in my crew."


Ricker's crew does include 23-year-old Jessica Sundell, a former methamphetamine addict and ex-prostitute who went by the street name "Cupcake." (View her signed "no contest" plea – 1 MB PDF)

Eight people registered by Sundell complained to local election officials or the Register, including Tamara Vraviss, 37, of Anaheim. Vraviss said she was switched from the Democratic Party to Republican without her consent.

Vraviss learned from a reporter that she had also given her personal information to someone once saddled with a \$50-a-day meth habit.

"I'm not happy right now," Vraviss said. "I will never sign another petition."

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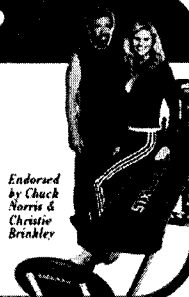
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Sundell, who said she tried prostitution only once, denied flipping Vraivis, or anyone else.

"The reason they switched (parties) was they wanted to help me get money," said Sundell, who lives in a Fullerton motel. "I'd say, 'I get a bonus for marking this as Republican. You don't have to vote that way and you can always change it later.'"

In a world where new Republican registrations pay up to \$8 apiece and each name on a petition brings at least \$1, signature gatherers have grown creative in chasing down the ka-ching. The industry is especially hot in California, where petition drives tripled in recent years in an effort to take democracy to the streets.

For instance, California petition circulators and their bosses earned \$980,000 for the 713,787 signatures gathered to put a child-molestation initiative on the November ballot.

Ricker said he counsels his gatherers not to lie or commit fraud, but he allows them to use their skills of salesmanship. He said there is nothing wrong with ardently asking voters to mark themselves as "Republican" so the gatherer can get a "bonus." It's up to voters to understand they are changing their political party.

"I'm an honest man, and I run an honest

program," he said. "By the same token, it is my mission to maximize productivity. I can't help it if people are stupid."


As a precaution, he said his workers now have registrants place their initials near the box for political affiliation on registration cards.

The state investigation has brought scrutiny to the petition-gathering industry in California. Politicians and political parties stay far enough from the street-level activities to insulate themselves from the shenanigans. Political officials hire consultants, who in turn hire petition coordinators, who then hire the "independent contractors" who actually hit the streets.

In Orange County, 450 voters say they were duped into joining the GOP, with many of the questionable registration cards traced back to contractor Christopher Scott Dinoff of Riverside and the heavily contested 34th state Senate District. The Orange County Republican Party is paying top dollar for new GOP registrations in the district in hopes of defeating the Democratic incumbent.

The party recently let go of Dinoff and the consultant that hired him, Tom Bader & Associates of Newport Beach. Bader was replaced by Ricker.

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Orange County Republican Party Chairman Scott Baugh said he informed Ricker that no registrations will be accepted from anyone with a criminal record.

"They have the right to work, but a project like this, the scrutiny merits a higher standard," Baugh said.

Moving from state to state can help circulators get a fresh start.

Take Dan Ricca, an Oregon petition gatherer who came to California after being accused in 2002 of forging signatures and falsifying registrations. Oregon authorities had no trouble finding Ricca, now 22, to question him about the fraud charges. He was already in an Oregon jail for driving violations, assault and repeatedly failing to appear in court. Oregon prosecutors ultimately concluded there was insufficient evidence to proceed with criminal charges on the faulty petitions.

Ricca is now one of the Orange County circulators under investigation in California in connection with fraudulent registration cards. He lists his address as the same Riverside house used by Dinoff.

Orange County circulators who worked for Ricca in recent months complained in interviews with the Register that he engaged in the same signature-gathering conduct

that upset Oregon authorities.

One local circulator said Ricca paid his crew in cash out of an Anaheim apartment near a Wal-Mart store where he and his workers hunted for signatures. Ricca promised his crew "tax free" money, said former circulator Sean Dailey. Another circulator said she broke ties with him after she witnessed him altering registration cards to collect bounties. Often, Ricca took credit for collecting cards, putting his name on them, when other circulators did the work.

"I watched him sign cards that weren't even his. You can't do that," said circulator Litheredge. "You can't say you collected a signature if you didn't. It troubled me."


Ricca did not return several messages left on his phone and with his relatives.

Ricca was hired by Bader & Associates for the Republican registration drive. Another company that worked the drive was Orange Coast Consultants of Newport Beach.

Orange Coast owner Tom Randall lamented in an interview that the world of petition gathering didn't always provide the caliber of people he required.

"Maybe the work pool we had to pull from aren't the best people you want out there," said Randall, who fired two signature

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gatherers because they "weren't the quality of the people that I felt should be out there representing the Republican Party."

Randall's standards come despite his own past: He pleaded guilty in 2002 to molesting two girls under the age of 14, one of them the daughter of an associate in the petition business.

Records show Randall served 188 days at Orange County Jail and did 83 days on a work crew at Mason Regional Park in Irvine.

Now living in various hotels near John Wayne Airport, Randall said he quit the business recently after he "saw how things were going."

He stressed he handled the financial side of the business and did not solicit signatures.

"I didn't look at anybody's (personal) information. I didn't process the cards that came in. I was just in the position of paying the people," Randall said. "I don't have anybody's information."

As nomadic as petitioners may be, Paul Daniel Delaney isn't going anywhere.

He is in federal prison for his side job: transporting illegal immigrants across the border. (View the Probable Cause Statement – 214KB PDF)

A regular in the Orange County petition scene, Delaney was caught in September 2005 trying to sneak a woman who was eight months pregnant into the United States from Tijuana. He had bolted her into a small compartment behind the seats of a 1985 Mazda RX-7 with no license plates.

The woman, who was discovered by the Border Patrol, said Delaney charged her \$3,000 to smuggle her. He later pleaded guilty and is serving an 18-month sentence.

Before he was incarcerated, Delaney gathered registrations and sold them to the highest bidder, who in turn would sell them to the appropriate political party.


One of the companies he approached was JSM Inc., run by Jennifer Breslin.

She turned Delaney down.

"They will sell to whoever buys. They'll run from coordinator to coordinator to sell them," said Breslin, who is preparing to take a crew to Oregon. "With some people, I don't buy because their work is sloppy, information is missing. Their validity rates are low."

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